

PLAN FOR THE ADMINISTRATION OF THE DISTRICT COURT FUND

This Court having amended Local Rule 3 of the Local Rules for the Western District of New York providing for a District Court Fund to be established and maintained from a portion of the admission fees paid by attorneys seeking admission to this Court and from the fees paid by attorneys admitted pro hac vice, the Court adopts the following Plan for Administration and Operation of the District Court Fund.

A. Collection of Monies for the District Court Fund. The District Court Fund shall be comprised of admission fees received by the Clerk for admission to the bar of this Court in excess of the basic fee set by the Judicial Conference pursuant to 28 U.S.C. § 1914. Furthermore, the Clerk shall deposit all fees collected for admission pro hac vice in the District Court Fund.

B. Use of the Fund. The District Court Fund shall be utilized for pre-payment and/or reimbursement to pro bono attorneys assigned by the Court to represent indigent clients of expenses necessarily and reasonably to be incurred or incurred incident to the preparation or presentation of a civil action in this Court, and for such other purposes for the benefit of the bar and bench in the administration of justice as the Court may from time to time designate by a majority vote of the judges thereon.

C. Limitations of Pre-payment and/or Reimbursement. Expense pre-payment and reimbursement shall be made upon application to the Court and, absent extraordinary circumstances, shall not exceed \$1,200 per client represented.

D. Withdrawals from the Fund. The judge or, if the parties have consented to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c), the magistrate judge to whom the case is

assigned is authorized to approve pre-payments or reimbursements to be paid from the Fund. If the total of the pre-payments or reimbursements requested and those already allowed exceed \$1,200, the assigned judge or magistrate judge shall determine whether extraordinary circumstances exist to justify payment in excess of \$1,200.

E. Maintenance of the Fund. The Clerk of the Western District of New York shall be the trustee of the District Court Fund. The trustee shall:

1. Receive, safeguard, deposit, disburse and account for funds;
2. Establish an accounting system as required by the Court;
3. Insure that financial statements and operating reports are prepared timely and signed by the trustee, thereby certifying that the statements and reports accurately represent the financial condition of the Fund;
4. Establish a procedure for the filing and processing of requests for pre-payment and/or reimbursement, including documentation requirements therefor, and the orderly and expeditious referral of such requests to the assigned judge or magistrate judge for approval; and
5. Perform such other functions as the Court may direct.

All monies shall be deposited in federally insured banks or savings institutions and whenever practical and feasible, all substantial sums should be placed in interest-bearing accounts, government securities, or money market funds invested in government obligations, at the direction of the Court. Efforts should be made to maximize the return on investments consistent with the requirements of convenience and safety.

Funds held by the trustee must be segregated from all other monies in the custody of the Court, including other non-appropriated funds.

When a successor trustee is appointed, the outgoing trustee should prepare and sign the following statements in conjunction with an exit audit or inspection conducted by an auditor or disinterested inspector as designated by the Court:

1. A statement of assets and liabilities;
2. A statement of operations or of receipts and disbursements since the end of the period covered by the last statement of operations; and
3. A statement of the balance in any fund accounts as of the date of transfer to the successor trustee.

The successor trustee shall execute a receipt for all funds after being satisfied as to the accuracy of the statements and records provided by the outgoing trustee. Acceptance may be conditioned upon audit and verification when the circumstances warrant.

Filed April 14, 1993.

MICHAEL A. TELESCA
Chief United States District Judge

DAVID G. LARIMER
United States District Judge

RICHARD J. ARCARA
United States District Judge

WILLIAM M. SKRETNY
United States District Judge

JOHN T. CURTIN

Senior United States District Judge

JOHN T. ELFVIN

Senior United States District Judge